

Max Forbush
Page 2
August 9, 2002

because this is also a change in scope of work for FAK and the trail termination occurs within the same project design area.

It is imperative that we receive the outlined items from the City by August 30, 2002, if the City desires to move forward with the design of a roundabout in this location. There is still time to incorporate this change into our design/build contract with FAK, but the window of opportunity is becoming narrower.

We appreciate the opportunity to work with the City to develop transportation solutions that meet the City's goals as well as the Department's goals.

Sincerely,



4197.tif

Byron Parker, P.E.
Project Director

RECEIVED SEP 06 2002

Historic beginnings



David M. Connors
Mayor

MAX FORBUSH
City Manager

KEITH JOHNSON
Finance Director

MARGY L. LOMAX
Recorder

GLORIA B. ANDERSON
Treasurer

130 North Main
P. O. Box 160
Farmington, Utah 84025-0160
Telephone (801) 451-2383

DAVID S. HALE
BOB HASENYAGER
LARRY W. HAUGEN
SUSAN TANNER HOLMES
ED JOHNSON
Council Members

August 30, 2002

Byron Parker, P. E.
Project Director
Legacy Parkway
360 North 700 West, Suite F
North Salt Lake, Utah 84054

Re: **Roundabout at Intersection of 650 West and State Street.**

Dear Byron:

I am responding on behalf of members of the Farmington City Council regarding requested documentation pertaining to the proposed roundabout at the intersection of 650 West and State Street. The documentation you requested is included as follows.

Confirmation of City Approval of Roundabout.

The City Council has approved the conceptual design and layout of the roundabout and width of east State Street as shown on drawings prepared by Horrocks Engineers based on certain conditions.

- 1) That the entire roundabout be constructed of concrete at a depth sufficient to support heavy truck and bus traffic.
- 2) That the City be permitted additional input into final detailed plans, including but not limited to, cross slopes, angle, side and center treatments (stamped concrete) and landscaping.

Whitaker Family Support for the Proposed Roundabout.

This family is in support of the proposal. See enclosed letter written to the Farmington City Council from Don and Donna Whitaker dated August 22, 2002.

Cross Section of State Street Bridge Structure.

It is the City's understanding that the planned pavement section of the State Street bridge structure is 52 feet in width. The City requests 8 ½ foot shoulders, two 11-foot lanes with a 13-foot

Byron Parker
August 30, 2002
Page 2

center turn lane. The City also requests that the sidewalk treatment on both sides remains as planned - 6 ½ feet on the south side and 8 feet on the north side.

City's Commitment to Maintain the Roundabout.

The City Council in their approving vote agreed to maintain the roundabout once completed and the final Legacy Project accepted by UDOT.

Horrocks' Design Engineering Expenses.

We appreciate your agreement to reimburse the City on these costs. The City is asking a deferral of the time requirement for sending the reimbursement request for costs accrued on this project by Horrocks Engineers. These costs are still being submitted. Once the final invoice is submitted and paid by the City, a request for reimbursement will be sent.

I trust this information meets the requirements of your previous letter. If not, please call Max Forbush and advise him of any deficiencies.

Sincerely,



David M. Connors
Mayor

MF/ml

cc: Members of the City Council
Max Forbush, City Manager
Russell Youd, Horrocks Engineers

Don and Donna Whitaker
P.O.Box 857
601 W State Street (Whitaker Lane)
Farmington, Utah 84025
451-6159

August 22, 2002.

Farmington City Council
130 North Main
P.O.Box 160
Farmington, Utah 84025-0160

To Whom It May Concern:

On August 15th, 2002, we met with Max Forbush to discuss the "roundabout" concept being proposed for the State Street and 650 West intersection. We were shown a concept drawing and it was explained to us.

We like the concept, as it was explained to us at that time. Provided there are no major design changes, we would be in favor of a roundabout at this intersection. We see several very favorable aspects of this type of design for this location. It would maintain the size and integrity of the State Street overpass and help keep this area safer for pedestrians. By keeping the bridge size down, it would also help to control the speed of traffic coming off the bridge and entering that intersection. We think this would be beneficial to both sides of the freeway. We have driven on this type of design in several different locations and found it very functional. We understand it has worked well in many other states.

One of our concerns, is that there be yield signs in place, and not stop signs on the roundabout. This would provide for a smoother traffic flow. It would slow traffic, possibly decreasing the amount of traffic at this intersection and provide a safer access point for our road, as long as the size and number of lanes feeding into it did not increase. Because traffic would be flowing smoother and hopefully slower, we feel that it would make it much nicer for larger vehicles like buses, delivery vans and horse trailers to make the turn without interfering with other lanes of traffic making turns.

We have watched traffic flow after major events, and it is not that intersection that causes traffic jams, but the vehicles turning on the east side of the overpass. By slowing traffic at 650 West, we think that traffic would not become so jammed up.

We would like the city council to know that in our opinion, this would be a good design and it would work very well for this location at this time.

*Don + Donna
Whitaker*



U.S. Department
of Transportation

Federal Highway
Administration



US Army Corp
of Engineers

FHWA Utah Division
2520 West 4700 South, Suite 9A
Salt Lake City, UT 84118

U.S. Army Corps of Engineers
Utah Regulatory Office
533 West 2600 South, Suite 150
Bountiful, UT 84010

January 24, 2003

Mr. Robert Roberts
Regional Administrator
Environmental Protection Agency, Region 8
999 18th Street, Suite 300
Denver, CO 80202-2466

Dear Mr. Roberts:

Subject: Legacy Parkway, Davis and Salt Lake Counties, Utah
Supplemental Environmental Impact Statement
February 21, 2003, Meeting Invitation and Cooperating Agency Request

To continue to enhance the working relationships between Federal agencies, Dr. Christine Johnson, Director of Field Services, Federal Highway Administration (FHWA) and Colonel Conrad of the Army Corps of Engineers (ACOE) invite you and your staff to participate in a Federal agency partnering meeting for the proposed Legacy Parkway project in Utah. The meeting has been scheduled for February 21, 2003, from 9:00 am to 12:00 pm in the Rocky Mountain Room of the EPA Conference Center, 999 18th Street, Denver - 2nd floor. Mr. Lee Waddleton, Federal Transit Administration, Regional Administrator and Mr. Ralph Morgenweck, U.S. Fish and Wildlife Service, Regional Director, have also been invited to attend.

The objective of this meeting is to establish an environmental stewardship framework (expectations and process), with the endorsement of senior management, for the preparation of the Supplemental Environmental Impact Statement (SEIS) for the Legacy Parkway project that is consistent with the Executive Order, "Environmental Stewardship and Transportation Infrastructure Project Reviews." Our goal is to have an open discussion that allows all agencies to discuss their expectations and concerns for this high profile project and to identify improvements to the process previously used to develop the original Environmental Impact Statement (EIS).

The Legacy Parkway is a proposed four-lane, limited access, divided highway extending from I-215 at 2100 North in Salt Lake City northward 14 miles to the interchange of I-15 and U.S. 189 in Farmington. The Final Environmental Impact Statement (FEIS) was completed in June 2000. On September 16, 2002, the Tenth Circuit Court issued an opinion finding the EIS inadequate and remanded the FEIS to the District Court for additional consideration in the following five areas:

1. The Denver & Rio Grande (D&RG) as an alternative alignment.
2. Alternative sequencing of the Shared Solution.
3. Integration of the Legacy Parkway and transit solutions.
4. Impacts to wildlife.
5. A narrower median as a practicable alternative.


Currently, preliminary work is underway for the preparation of a SEIS to address the Tenth Circuit Court's opinion. The SEIS will focus on addressing the above five issues identified in the Tenth Circuit Court's decision. However, a formal re-evaluation of the original FEIS will be prepared to determine whether there have been changes in the project, its surroundings and impacts, or any new issues identified since the FEIS.

Because of your agency's expertise and jurisdiction regarding wetland issues that pertain to the SEIS, we are requesting that your agency be a cooperating agency. In accordance with the provisions of 40 CFR, Part 1501.6, your role would include:

- ◆ Consulting on relevant technical studies required for the project.
- ◆ Reviewing project information, including study results, and agreeing on a time frame for your review.
- ◆ Expressing your views on subjects within your jurisdiction and/or expertise.
- ◆ Participating in joint public involvement activities.
- ◆ Identifying EIS content necessary to discharge your National Environmental Policy Act (NEPA) responsibilities and other requirements regarding jurisdictional approvals, permits, licenses, and/or clearances.

We look forward to discussing your agency's participation in this project at our February 21, 2003 meeting. We would like to collaborate with your staff in developing the meeting agenda. If you have any questions regarding meeting, please have your staff contact Greg Punske, FHWA Environmental Program Manager at (801) 963-0078 x 237.

Sincerely,



David Gibbs, P.E.
FHWA Division Administrator
Salt Lake City, Utah



Brooks Carter
ACOE Intermountain
Regulatory Section Chief
Bountiful, Utah

cc: Cynthia Cody, EPA Region 8, Chief NEPA Unit



U.S. Department
of Transportation

**Federal Highway
Administration**



**US Army Corp
of Engineers**

FHWA Utah Division
2520 West 4700 South, Suite 9A
Salt Lake City, UT 84118

U.S. Army Corps of Engineers
Utah Regulatory Office
533 West 2600 South, Suite 150
Bountiful, UT 84010

January 24, 2003

Mr. Lee Waddleton
Regional Administrator
Federal Transit Administration, Region 8
216 16th St., Suite 650
Denver, CO 80202-5120

Dear Mr. Waddleton:

Subject: Legacy Parkway, Davis and Salt Lake Counties, Utah
Supplemental Environmental Impact Statement
February 21, 2003, Meeting Invitation and Cooperating Agency Request

To continue to enhance the working relationships between Federal agencies, Dr. Christine Johnson, Director of Field Services, Federal Highway Administration (FHWA) and Colonel Conrad of the Army Corps of Engineers (ACOE) invite you and your staff to participate in a Federal agency partnering meeting for the proposed Legacy Parkway project in Utah. The meeting has been scheduled for February 21, 2003, from 9:00 am to 12:00 pm in the Rocky Mountain Room of the EPA Conference Center, 999 18th Street, Denver - 2nd floor. Mr. Robert Roberts, Environmental Protection Agency, Regional Administrator and Mr. Ralph Morgenweck, U.S. Fish and Wildlife Service, Regional Director, have also been invited to attend.

The objective of this meeting is to establish an environmental stewardship framework (expectations and process), with the endorsement of senior management, for the preparation of the Supplemental Environmental Impact Statement (SEIS) for the Legacy Parkway project that is consistent with the Executive Order, "Environmental Stewardship and Transportation Infrastructure Project Reviews." Our goal is to have an open discussion that allows all agencies to discuss their expectations and concerns for this high profile project and to identify improvements to the process previously used to develop the original Environmental Impact Statement (EIS).

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4. Impacts to wildlife.
5. A narrower median as a practicable alternative.

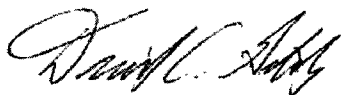
Currently, preliminary work is underway for the preparation of a SEIS to address the Tenth Circuit Court's opinion. The SEIS will focus on addressing the above five issues identified in the Tenth Circuit Court's decision. However, a formal re-evaluation of the original FEIS will be prepared to determine whether there have been changes in the project, its surroundings and impacts, or any new issues identified since the FEIS.

Because of your agency's expertise regarding transit issues that pertain to the SEIS, we are requesting that your agency be a cooperating agency. In accordance with the provisions of 40 CFR, Part 1501.6, your role would include:

- ◆ Consulting on relevant technical studies required for the project.
- ◆ Reviewing project information, including study results, and agreeing on a time frame for your review.
- ◆ Expressing your views on subjects within your jurisdiction and/or expertise.
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- ◆ Identifying EIS content necessary to discharge your National Environmental Policy Act (NEPA) responsibilities and other requirements regarding jurisdictional approvals, permits, licenses, and/or clearances.

We look forward to discussing your agency's participation in this project at the February 21, 2003 meeting. If you have any questions regarding meeting, please have your staff contact Greg Punske, FHWA Environmental Program Manager at (801) 963-0078 x 237.

Sincerely,



David Gibbs, P.E.
FHWA Division Administrator
Salt Lake City, Utah



Brooks Carter
ACOE Intermountain
Regulatory Section Chief
Bountiful, Utah



U.S. Department
of Transportation

Federal Highway
Administration



**US Army Corp
of Engineers** ®

FHWA Utah Division
2520 West 4700 South, Suite 9A
Salt Lake City, UT 84118

U.S. Army Corps of Engineers
Utah Regulatory Office
533 West 2600 South, Suite 150
Bountiful, UT 84010

January 24, 2003

Mr. Ralph O. Morgenweck
Regional Director
U.S. Fish and Wildlife Service, Region 6
134 Union Boulevard
Lakewood, CO 80228-1807

Dear Mr. Morgenweck:

Subject: Legacy Parkway, Davis and Salt Lake Counties, Utah
Supplemental Environmental Impact Statement
February 21, 2003, Meeting Invitation and Cooperating Agency Request

To continue to enhance the working relationships between Federal agencies, Dr. Christine Johnson, Director of Field Services, Federal Highway Administration (FHWA) and Colonel Conrad of the Army Corps of Engineers (ACOE) invite you and your staff to participate in a Federal agency partnering meeting on the proposed Legacy Parkway project in Utah. The meeting has been scheduled for February 21, 2003, from 9:00 am to 12:00 pm in the Rocky Mountain Room of the EPA Conference Center, 999 18th Street, Denver - 2nd floor. Mr. Robert Roberts, Environmental Protection Agency, Regional Administrator and Mr. Lee Waddleton, Federal Transit Administration, Regional Administrator have also been invited to attend.

The objective of this meeting is to establish an environmental stewardship framework (expectations and process), with the endorsement of senior management, for the preparation of the Supplemental Environmental Impact Statement (SEIS) for the Legacy Parkway project that is consistent with the Executive Order, "Environmental Stewardship and Transportation Infrastructure Project Reviews." Our goal is to have an open discussion that allows all agencies to discuss their expectations and concerns for this high profile project and to identify improvements to the process previously used to develop the original Environmental Impact Statement (EIS).

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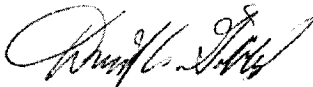
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Because of your agency's expertise regarding wildlife and migratory bird issues that pertain to the SEIS, we are requesting that your agency be a cooperating agency. In accordance with the provisions of 40 CFR, Part 1501.6, your role would include:

- ◆ Consulting on relevant technical studies required for the project.
- ◆ Reviewing project information, including study results, and agreeing on a time frame for your review.
- ◆ Expressing your views on subjects within your jurisdiction and/or expertise.
- ◆ Participating in joint public involvement activities.
- ◆ Identifying EIS content necessary to discharge your National Environmental Policy Act (NEPA) responsibilities and other requirements regarding jurisdictional approvals, permits, licenses, and/or clearances.

We look forward to discussing your agency's participation in this project at our February 21, 2003 meeting. We would like to collaborate with your staff in developing the meeting agenda. If you have any questions regarding meeting, please have your staff contact Greg Punske, FHWA Environmental Program Manager at (801) 963-0078 x 237.

Sincerely,



David Gibbs, P.E.
FHWA Division Administrator
Salt Lake City, Utah



Brooks Carter
ACOE Intermountain
Regulatory Section Chief
Bountiful, Utah

cc: Mr. Henry Maddux, Utah Field Supervisor



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
U.S. ARMY ENGINEER DISTRICT, SACRAMENTO
CORPS OF ENGINEERS
1325 J STREET
SACRAMENTO, CALIFORNIA 95814-2922

Regulatory Branch

April 11, 2003

Mr. Wayne Norwall, Regional Director
Bureau of Indian Affairs
P.O. Box 10
Phoenix, AZ 85001

Dear Mr. Norwall:

This letter is to inform you that the environmental scoping process is currently under way for a Supplemental Environmental Impact Statement (SEIS) for the Utah Department of Transportation's (UDOT's) proposed construction of the Legacy Parkway Project. The U.S. Army Corps of Engineers (Corps) and the Federal Highway Administration (FHWA), as federal joint lead agencies under the National Environmental Policy Act (NEPA), are interested in your comments about the content of the Legacy Parkway Project SEIS and invite you to participate in the scoping process.

Project Description

The proposed Legacy Parkway Project is one component of the planned three-part "Shared Solution" for addressing transportation needs between Salt Lake City and Kaysville. The "Shared Solution" strategy includes expansion of public transit, improvements to the existing Interstate 15 (I-15) freeway, and construction of the Legacy Parkway project. The Legacy Parkway is intended to help meet the projected peak-hour traffic needs in the north corridor area through 2020. The proposed parkway would include a four-lane, limited access, divided highway extending approximately 14 miles from Interstate 215 (I-215) in Salt Lake City northward to I-15 in Farmington City. A multiple-use trail for pedestrians, bicyclists, and equestrians would parallel the highway, and a large nature preserve is also planned.

Supplemental Environmental Impact Statement

The SEIS will supplement the June 2000 Legacy Parkway Final EIS (FEIS) (FHWA-UT-EIS-98-02-F), which was the subject of litigation and a court decision in *Utahns for Better Transportation et al. v. U.S. Department of Transportation et al.* (305 F.3d 1152 (10th Cir. 2002)). To address concerns identified by the court, the Corps and FHWA are directing and managing the development of an SEIS.

In accordance with the court decision, several specific aspects of the FEIS require further study. The Corps and FHWA have made a preliminary decision to consider the following in the SEIS based on the court ruling: (1) the Denver & Rio Grande railroad (D&RG) alignment,

(2) a narrower right-of-way (ROW) for the proposed alignment, (3) alternative sequencing for construction of the various component projects of the Shared Solution, (4) concurrent integration of construction of the Legacy Parkway with expansion of public transportation, and (5) impacts to wildlife. In addition, the FEIS will be reevaluated to determine whether any other information should be updated and revised as part of the SEIS process.

Agency Roles

As a joint lead agency, the Corps must make a decision on UDOT's permit application pursuant to Section 404 of the Clean Water Act (CWA). The FHWA, as a joint lead agency must make a decision on the request to connect the proposed project to I-215 and I-15. As joint lead agencies, the Corps and FHWA are responsible for the SEIS and have selected an independent consultant to ensure the SEIS process is effective and objective. UDOT is the project applicant and proponent of the Legacy Parkway. As project proponent, UDOT will provide information and answer questions related to the proposed Legacy Parkway Project. The U.S. Environmental Protection Agency (EPA), U.S. Fish and Wildlife Service (USFWS), and Federal Transit Administration (FTA) have agreed to serve as cooperating agencies in the preparation and review of the SEIS. As cooperating agencies, EPA, USFWS, and FTA are responsible for providing input to the lead agencies throughout the development of the SEIS. All agencies are committed to fully informing and engaging interested parties and agencies throughout the SEIS process.

Participation in the Supplemental Environmental Impact Statement Process

An open house has been scheduled to provide information about the SEIS process and to solicit input. All interested parties are invited to attend this open-house-style scoping meeting. Please drop by anytime on Thursday, April 17, 2003, between 4 p.m. and 8 p.m. to talk directly with agencies and consultants at a variety of information stations. The scoping meeting will be held at Woods Cross High School Auditorium, 600 West 2200 South, Woods Cross, Utah.

The following additional topic-specific focus group meetings are open to the public, and are planned for late April: (1) D&GR alignment corridor (Monday, April 28, 2003, 9 – 11 a.m.), (2) narrower ROW impact evaluation (Monday, April 28, 2003, 1 – 3 p.m.), (3) wildlife impacts (Tuesday, April 29, 2003, 9 – 11 a.m.), and (4) sequencing and integration (Tuesday, April 29, 2003, 1 – 3 p.m.). These meetings will be held at Davis County Fairpark, Building 1, 151 South 1100 West, Farmington, Utah.

Information is also available by calling our Information Hotline at (801) 951-1039. The hotline will be available throughout the SEIS process and will include general information, updates, and opportunities for public involvement.

We are interested in obtaining your input on the scope of the SEIS. You are welcome to attend any of the public meetings or focus group sessions. If you would like to submit written comments on the scope and content of the SEIS, please submit them directly to the Corps or FHWA by June 1, 2003, at the following addresses:

Nancy Kang
Chief, Utah Office
U.S. Army Corps of Engineers
533 W. 2600 S., Suite 150
Bountiful, UT 84010

Greg Punske
Environmental Program Manager
Federal Highway Administration
2520 W. 4700 S., Suite 9A
Salt Lake City, UT 84118

Your input is critical and important in this process. We look forward to hearing from you. If you have any questions regarding this request, please feel free to contact me by telephone at (801) 295-8380 extension 14, or by email at nancy.kang@usace.army.mil.

Sincerely,

Nancy Kang
Chief, Utah Regulatory Office

cc: Greg Punske, Project Development Engineer, FHWA
Andrew Gemperline, UDOT

List of Recipients

Federal Transit Administration

Federal Transit Administration
Don Cover
Region 8
216 16th Street, Suite 650
Denver, CO 80202-5120

Federal Emergency Management Agency

Mr. David Maurstad, Regional Director
Federal Emergency Management Agency
Region VIII
Building 710, Box 25267
Denver, CO 80225-0267
(303) 235-4800
(303) 235-4976 FAX

Bureau of Indian Affairs

Mr. Wayne Norwall, Regional Director
Bureau of Indian Affairs
P.O. Box 10
Phoenix, AZ 85001
(602) 379-4413
(602) 379-4413 FAX

U.S. Fish and Wildlife Service

Mr. Henry Maddux
U.S. Fish and Wildlife Service
2369 West Orton Circle, Suite 50
West Valley City, UT 84119
(801) 975-3330
(801) 975-3331 FAX

U.S. Geological Survey

U.S. Geological Survey
Utah District
2329 Orton Circle
(2329 West 2390 South)
West Valley City, Utah
84119-2047
Phone: (801) 908-5000
Fax: (801) 908-5001

Environmental Protection Agency

Cynthia Cody, NEPA Program Chief
EPA Region 8 (EPR-N)
999 18th Street, Suite 300
Denver, CO 80202-2466

Natural Resources Conservation Service

Phillip Nelson
Utah State Office
Natural Resources Conservation Services
125 S. State St.
Suite 4425
Salt Lake City, UT 84111

State Agencies

Forrest Cuch
Community and Economic Development, Division of Indian Affairs
324 South State Street
Suite 500
Salt Lake City, UT 84114

Ursula Truman
Department of Environmental Quality, Division of Air Quality
168 North 1950 West
Salt Lake City, UT 84116

Kevin Brown
Utah Division of Drinking Water
P.O. Box 144830
Salt Lake City, UT 84114-4830

Kent Gray, Director
Utah Division of Environmental Response and Remediation
168 North 1950 West (Building #2)
First Floor Box 144840
Salt Lake City, UT 84114-4840

Don Ostler
Utah Division of Water Quality
P.O. Box 144870
Salt Lake City, UT 84114-4870

Robert L. Morgan
Utah Department of Natural Resources
1594 West North Temple
Suite 3710
Salt Lake City, UT 84114

Greg Mladenka
Utah Division of Water Rights
1594 West North Temple
Suite 220
Salt Lake City, UT 84114-6300

Tharold E. Green, Jr.
Utah Division of Parks and Recreation
1594 West North Temple
Suite 116
Salt Lake City, UT 84114-6001

Judy Watanabe
Dept. of Public Safety, Division of Comprehensive Emergency Management
Flood Loss Reduction Section
1110 State Office Building
Salt Lake City, UT 84114

Carolyn Wright
Governor's Office, Resource Development
Coordinating Committee, Dept. of Natural Resources
1594 West North Temple
Salt Lake City, UT 84102

James Dykemann
State Historic Preservation Office
300 South Rio Grande
Salt Lake City, UT 84114

Larry Anderson
Utah Division of Water Resources
1594 W. North Temple
Suite 310
Salt Lake City, UT 84114

Kevin Conway
Utah Division of Wildlife Resources
1594 West North Temple
Suite 2110
Salt Lake City, UT 84114-6301

Dick Buehler
Utah Division of Forestry, Fire & State Lands
1594 W. North Temple
Suite 3520
Salt Lake City, UT 84114-5703

Native American

David Pete
Goshute Indian Tribe
BIA Hwy #1
Ibapah, UT 84034 (Box 6104)

Ivan Wongan
Northwestern Band of Shoshone Tribe
427 N. Main, Suite 101
Pocatello ID 83204

Geneal Anderson
Paiute Indian Tribe of Utah
440 N. Paiute Dr
Cedar City, UT 84720

Leon Bear
Skull Valley Band of Goshute Indians
3359 S. Main, #808
SLC UT 84115

Ron Wopsock, Administration
Ute Indian Tribe
988 S. 7500 E.,
Fort Duchesne UT 84026

New
m/b



April 17, 2003

Dear members of the Federal Highway Administration,

As Davis County's only nationally recognized historic district, we would like to point out some potential adverse affects that Legacy Highway construction could have on the homes in our neighborhood. We also request that a complete and thorough Section 106 review of these affects be studied in cooperation with the Utah State Historic Preservation Officer.

The Clark Lane Historic District occupies both sides of State Street in Farmington, from the State Street overpass over I-15 east to 200 West. The homes in the district were constructed between the 1850s through the 1920s. Most are extremely fragile, as they were built of soft adobe and/or un-reinforced masonry and fieldstone foundations.

Some of the potential adverse affects we're concerned about include:

- Damage caused by ground borne vibrations during pile driving during the reconstruction of the State Street overpass
- Adverse affects to historic landscapes and properties during reconstruction of the State Street Overpass, including:
 - o Removal of street trees
 - o Changes in grade and elevations
 - o Changes in street width and elevation
- Damage caused by ground borne vibrations of heavy trucks hauling fill materials

We appreciate the current willingness of the FHA, UDOT, and FAK to utilize the frontage road and "jug handle" near the State Street Overpass an alternate haul route to hauling materials through the historic district.

We believe the best way to mitigate affects on our historic homes is to NOT rebuild the State Street overpass. With the newly completed Burke Lane overpass just to the north, and the Glover's Lane overpass to the south, the State Street overpass seems unnecessary. It would certainly be prudent to study the necessity of this overpass before spending the money to rebuild it or risking damage to these nationally recognized properties during pile driving, etc.

We appreciate your willingness to involve us in the project and will do everything we can to help.

Much success,

Chadwick Greenhalgh
208 West State Street
Farmington, UT 84025
801.245.1219
chadwick.greenhalgh@eurorscg.com



United States Department of the Interior
FISH AND WILDLIFE SERVICE

UTAH FIELD OFFICE
2369 WEST ORTON CIRCLE, SUITE 50
WEST VALLEY CITY, UTAH 84119

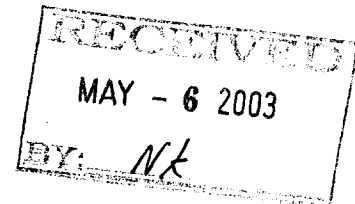
In Reply Refer To

FWS/R6

ES/UT

03-0616

May 2, 2003



Greg Punske
Environmental Program Manager
Federal Highway Administration
2520 West 4700 South, Suite A
Salt Lake City, Utah 84118

Dear Mr. Punske

The U.S. Fish and Wildlife Service (Service) has reviewed the April 1, 2003, Federal Register Notice of Intent to Prepare a Supplemental Environmental Impact Statement (SEIS) for the Utah Department of Transportation's proposed construction of the Legacy Parkway project in Salt Lake and Davis Counties, Utah. The purpose of the project is to solve future traffic problems in Salt Lake and Davis Counties by implementing a three part "Shared Solutions" strategy that includes: 1) Constructing the Legacy Parkway; 2) improving and expanding Interstate 15; and 3) expanding the public transit system. This project will involve the construction of a roughly 14 mile highway from Interstate 215 in the south to U.S. 89 near Farmington, Utah in the north. A multiple use trail for pedestrians, bicyclists, and equestrians would parallel the highway. The SEIS is being prepared because the courts found certain aspects of the original EIS insufficient, including the wildlife impact analysis. The SEIS will build upon the EIS and specifically address the court-identified deficiencies.

The Service has agreed to be a cooperating agency for purposes of NEPA compliance for this project. We expect to assist the lead agencies in evaluating the potential impacts to fish and wildlife resources and developing measures to avoid, minimize, and compensate for unavoidable impacts. We are providing the following comments as general guidelines for wildlife issues we believe should be addressed. These comments are not meant to be exhaustive, however, because we expect to be closely involved with identification of wildlife issues, determining appropriate evaluation methodology, and interpreting results.

In Section 1 of this letter we convey our concerns that should be addressed in the SEIS. Section 2 of this letter addresses your responsibilities under section 7 of the Endangered Species Act (ESA) of 1973, 16 U.S.C. § 1536.

Section 1.

We recommend that the SEIS evaluate the following potential direct, indirect, and cumulative impacts on fish and wildlife resources:

Direct Effects

Mortality due to project implementation, construction, and maintenance.

Mortality due to ongoing activities associated with project (vehicle collisions with vehicles, contamination of soils/waters from road treatments, automotive fluids, truck spills, etc.).

Displacement of individuals/populations due to project implementation, construction, maintenance, and ongoing activities associated with the project. In particular, you should evaluate whether and to what extent organisms may be displaced to areas where fitness is reduced and/or mortality rates increased (population sinks).

Habitat loss/gain due to project implementation, construction, and maintenance.

Habitat loss/gain due to ongoing activities associated with project (contamination of soils/waters from road treatments, automotive fluids, truck spills, etc.).

Habitat fragmentation and its effects on mate search/selection, gene flow, predation rate, dispersal success, colonization events (as they pertain to metapopulation dynamics), and overall population size.

Effects on individual fitness (reduced nesting success, brood size, fledging success, number of matings, etc.) due to project implementation, construction, and maintenance.

Effects on individual fitness (nesting success, brood size, fledging success, number of matings, etc.) due to ongoing activities associated with project (vehicle collisions with vehicles, contamination of soils/waters from road treatments, automotive fluids, truck spills, etc.).

Effects to habitat and species diversity, both spatial and temporal, due to project implementation, construction, and maintenance.

Indirect Effects

Effects on hydrology, both temporal and spatial that relate directly with quantity, quality, and distribution of habitats.

Effects on hydrology, both spatial and temporal, that may convert one type of wetland to another, thus changing its habitat function.

Effects on water quality as it relates to habitats for wildlife and fish.

Effects on air quality due to project implementation, construction, and maintenance.

Effects on air quality due to the ongoing activities associated with the project (vehicle emissions, increased air temperatures, etc.)

Effects of ground disturbance and ongoing activities (vehicular, bike, and horse traffic, trail/berm/median maintenance) that may facilitate the introduction of invasive/exotic/noxious species.

Effects of noise on wildlife populations and individuals. Possibilities include effects on mate identification, nest location, prey location, predator location, and territory defense.

Effects of an increase of human access/activity to formerly isolated wildlife habitats on wildlife populations, mating success, mortality, foraging/hunting opportunities, etc.

Effects on development opportunities that may further reduce/impair/eliminate wildlife habitats in the project area.

Effects of increased lighting during nighttime hours on predator/prey interactions, foraging behavior, and dispersal behavior.

Cumulative Effects

Effects of continued degradation, fragmentation, and removal of wetlands in the Great Salt Lake ecosystem as it pertains to wildlife populations.

Effects of increased development and other economic opportunities as a result of improved access (induced or facilitated development) as it pertains to wildlife populations.

Effects of perpetuating single person/single vehicle transportation on future air quality, water quality, and habitat value inside and outside of the project area.

Section 2. Federal agencies have specific additional responsibilities under Section 7 of the ESA. To help you fulfill these responsibilities, we are providing an updated list of threatened (T) and endangered (E) species that may occur within the area of influence of your proposed action.

<u>County</u>	<u>Species</u>	<u>Status</u>
DAVIS		
Bald Eagle ^{1,3}	<i>Haliaeetus leucocephalus</i>	T
SALT LAKE		
Bald Eagle ^{1,3}	<i>Haliaeetus leucocephalus</i>	T

¹ Nests in this county of Utah.

³ Wintering populations (only four known nesting pairs in Utah).

The proposed action should be reviewed and a determination made if the action will affect any listed species or their critical habitat. If it is determined by the Federal agency, with the written concurrence of the Service, that the action is not likely to adversely affect listed species or critical habitat, the consultation process is complete, and no further action is necessary.

Formal consultation (50 CFR 402.14) is required if the Federal agency determines that an action is "likely to adversely affect" a listed species or will result in jeopardy or adverse modification of critical habitat (50 CFR 402.02). Federal agencies should also confer with the Service on any action which is likely to jeopardize the continued existence of any proposed species or result in the destruction or adverse modification of proposed critical habitat (50 CFR 402.10). A written request for formal consultation or conference should be submitted to the Service with a completed biological assessment and any other relevant information (50 CFR 402.12).

Candidate species have no legal protection under the Endangered Species Act (ESA). Candidate species are those species for which we have on file sufficient information to support issuance of a proposed rule to list under the ESA. Identification of candidate species can assist environmental planning efforts by providing advance notice of potential listings, allowing resource managers to alleviate threats and, thereby, possibly remove the need to list species as endangered or threatened. Even if we subsequently list this candidate species, the early notice provided here could result in fewer restrictions on activities by prompting candidate conservation measures to alleviate threats to this species.

Only a Federal agency can enter into formal Endangered Species Act (ESA) section 7 consultation with the Service. A Federal agency may designate a non-Federal representative to conduct informal consultation or prepare a biological assessment by giving written notice to the Service of such a designation. The ultimate responsibility for compliance with ESA section 7, however, remains with the Federal agency.

Your attention is also directed to section 7(d) of the ESA, as amended, which underscores the requirement that the Federal agency or the applicant shall not make any irreversible or irretrievable commitment of resources during the consultation period which, in effect, would deny the formulation or implementation of reasonable and prudent alternatives regarding their actions on any endangered or threatened species.

Please note that the peregrine falcon which occurs in all counties of Utah was removed from the federal list of endangered and threatened species per Final Rule of August 25, 1999 (64 FR 46542). Protection is still provided for this species under authority of the Migratory Bird Treaty Act (16 U.S.C. § 703-712) which makes it unlawful to take, kill, or possess migratory birds, their parts, nests, or eggs. When taking of migratory birds is determined by the applicant to be the only alternative, application for federal and state permits must be made through the appropriate authorities. For take of raptors, their nests, or eggs, Migratory Bird Permits must be obtained through the Service's Migratory Bird Permit Office in Denver at (303) 236-8171.

We recommend use of the *Utah Field Office Guidelines for Raptor Protection from Human and Land Use Disturbances* (Romin and Muck, January 2002) which were developed in part to provide consistent application of raptor protection measures statewide and provide full compliance with environmental laws regarding raptor protection. Raptor surveys and mitigation measures are provided in the Raptor Guidelines as recommendations to ensure that proposed projects will avoid adverse impacts to raptors, including the peregrine falcon.

If we can be of further assistance or if you have any questions, please feel free to contact Chris Witt, Ecologist, at the letterhead address or (801) 975-3330 extension 133.

Sincerely,

A handwritten signature in black ink, appearing to read "H. R. Maddux".

Henry R. Maddux
Utah Field Supervisor

cc: Nancy Kang, Chief, Utah Office, U.S. Army Corps of Engineers, 533 West 4700 South, Suite 9A, Salt Lake City, Utah 94010

UDWR – Salt Lake City, Ogden

Regional Office – Region 6 (Attn: NEPA Coordinator)



United States Department of the Interior

FISH AND WILDLIFE SERVICE Mountain-Prairie Region



IN REPLY REFER TO:

FWS/R6

MAILING ADDRESS:

Post Office Box 25486
Denver Federal Center
Denver, Colorado 80225-0486

STREET LOCATION:

134 Union Blvd.
Lakewood, Colorado 80228-1807

MAY 20 2003

David Gibbs, P.E.
Federal Highway Administration
Utah Division
2520 West 4700 South, Suite 9A
Salt Lake City, Utah 84118

Dear Mr. Gibbs:

The U.S. Fish and Wildlife Service has received your letter of January 24 inviting us to be a cooperating agency in preparation of a Supplemental Environmental Impact Statement for the proposed Legacy Parkway project in Davis and Salt Lake Counties, Utah. (An identical letter has been sent to Brooks Carter, U.S. Army Corps of Engineers.) We appreciate, and accept, the invitation. As described in your letter, our role would include:

- Consulting on relevant technical studies required for the project.
- Reviewing project information including study results and agree on a time frame for our review.
- Expressing our views on subjects within our jurisdiction or expertise.
- Participating in joint public involvement activities.
- Identifying Environmental Impact Statement content necessary to discharge our National Environmental Policy Act responsibilities and other requirements regarding jurisdictional approvals, permits, licenses, and/or clearances.

The Utah Ecological Services Field Office will be the lead office for the FWS on this project. Your principal FWS contact will be Dr. Lucy Jordan, Supervisory Fish and Wildlife Biologist, telephone: (801) 975-3330 extension 143; e-mail: lucy_jordan@fws.gov. The project biologist will be Chris Witt, Ecologist, at extension 133; email: chris_witt@fws.gov.

David Gibbs, P.E.

2

Again, we appreciate the opportunity to participate in the preparation of a Supplemental Environmental Impact Statement for the Legacy Parkway project.

Sincerely,

A handwritten signature in cursive script, appearing to read "Mary Henry".Handwritten initials "fn" in cursive script.

Mary Henry
Assistant Regional Director
Ecological Services

Identical letter to:

Brooks Carter

U.S. Army Corps of Engineers

THPO

Skull Valley Band of Gosiute Indians
3359 S. Main Street #808
Salt Lake City, UT 84115
thpo@earthlink.net

Greg Punskey
USDOT/FHWA
Utah Division
2520 West 4700 South, STE. 9A
SLC, UT 84118-1847

June 10, 2003

RE: NA Consultation

Mr. Punskey,

We appreciate the USDOT/FHWA (FHWA) recent consultation requests. The following discusses procedures, compliance with HPL, and pressing issues that require resolution. For the immediate future until the relationship with the UDOT improves we request that FHWA continue consultation responsibilities for the Federally Funded State Agency. Please keep in mind DOT 186-99 "U.S. Transportation Secretary Slater Signs Order Establishing New Policy For Working with Native Americans".

First, We are extremely concerned with the Legacy Highway Project in the areas of environmental, sacred, and Cultural Resources issues. We understand that the USDOT/FHWA is a Joint Lead Agency. There are numerous compliance issues that arose during the original phase of this project which involve cultural resource and NAGPRA concerns.

As we understand two sets of skeletal remains and numerous archaeological sites were located during the original project. Federal Funding allows the FHWA and Army Corps of Engineers to be Lead Agencies for the Environmental Impact Statement. For these reasons and the expenditure of Federal Funding for the oversight of two sister Agencies, it is of utmost importance for your Agency to comply with relevant Historic Preservation Law. As we understand the State will utilize Federal Grants to build the proposed highway if approved. We expect Federal Oversight to continue throughout all phases of this project.

During January 2003 the Band sent your agency an Indigenous Lands Cultural Patrimony Map. We request that your Agency consult with the Band on all projects within this area. As can be gleaned from the map,

the Wasatch Front area between Ogden, and North of Utah Lake is an area the Gosiute utilized along with the Northern Ute and Northwest Band of the Shoshone Indians. We recommend in this area that all three Tribes be consulted.

Concerning skeletal remains unearthed and desecrated due to project planning for the proposed Legacy Highway Project, we request that these remains and associated and un-associated funerary objects be repatriated to the Band as soon as possible. Due to the use of Federal Funding for oversight of the project, the jurisdiction of the NAGPRA related human remains and objects falls within Federal Jurisdiction.

This is an official claim for the repatriation of skeletal remains, associated and unassociated funerary items and sacred objects desecrated and removed from ancestral land, in this case the Federal Law takes precedence due to the use of Federal Oversight. It is the responsibility of the Lead Agencies to comply with Historic Preservation Law before the expenditure for funding and license or permit of any project.

This repatriation claim is made under the authority of the Native American Grave Protection and Repatriation Act (NAGPRA: Public Law 101-601' 104 Stat. 3048: 25USC3001).

Our intention is to repatriate all, NAGPRA protected materials. We are basing this cultural affiliation claim on reserved Treaty Rights, Indian Claims Commission findings an historical documentation of ancestral lands, human rights, religious freedom, spirituality, and the preponderance of scientific evidence. As provided under NAGPRA 25 USC - Sec 2 - Sec 3 (1) (2) (a-b-c (1)), we request the immediate return of these ancestors and material culture objects.

No consumptive analysis of these remains is permitted or authorized and we are firm in our conclusions that the above referenced scientific an historical evidence supports this claim. Any further scientific analysis used to support undocumented scientific findings is unnecessary and would be a violation of NAGPRA.

As has been gleaned from recent NA Consultation requests from your Agency between November 26, 2003 and May 25, 2003 the following concerns are related.

Sacred, Spiritual, Religious concerns: Particular geography or power centers that emanate from Grandmother earth are cave

openings, rock-shelters, caves, springs, ponds, streams, lakes, rock overhangs, outcrops, canyons, mountain tops, volcanic vents, hot springs, geologic hoodoos, large trees, ancient trees, and so on, within striking natural features. Sacred Earth Matrix is considered holy places where "prayer offerings, and ceremonies take place. Any excavation or looting of these sites is extreme reasons for concern with the Band. In the future we would like to work with your staff in identifying sacred items removed from the matrix through excavation within the Gosiute ancestral land.

As is usually the case in areas where extreme disturbance and Urban Sprawl has occurred, many cultural resources are located through undertaking activities. We are concerned that when project oversight leaves the watchful oversight of the Federal Lead Agencies that the same care and protection provided by our Nations Historic Preservation Law is not considered fully. We request that Federal Oversight of entire project phases be done, so as to allow for compliance.

The following discusses specific concerns with undertakings.

A recurrent problem in reports is that the contemporary mainstream Culture History of the archaeology in the area is void of Gosiute modulation and orientation before 1,350 A.D. We do not agree with the Culture History. We are writing a Band Culture History for ancestral lands scheduled for completion in December of 2003 (Brewster, Dissertation 2003). However, this document is expected to change as new data are added. We would appreciate having an equal voice in the scientific analysis of our ancestral lands and at this time we require that a disclaimer be added to reports:

Presently, the Skull Valley Band of Gosiute Indians does not agree with the current Eastern Great Basin archaeological culture history due to its exclusion of Gosiute thought and disconnection from ancestors. A Band Culture History is in development to offer a Gosiute and Shoshone view on the history of its ancestors in the Region. For the present purpose, the Gosiute and Shoshone assert that the archaeology of the Region supports an in situ development for 12,000+ years.

We request a copy of final archaeological reports for our files. In addition, we will review in house projects only, in keeping with Cultural Resource Management compliance procedure. However, we urge the FHWA in the future, that contract Archaeological Consultant companies

and proponents write Native American Consultation fees into their proposals for work within ancestral Gosiute land.

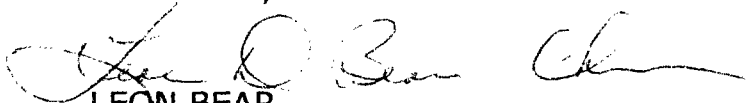
The Band THPO has, it's own Principal Investigator and these fees are set at the standard rate of \$50.00 per hour. Field visits for complex projects with potential site visits include the standard mileage, field rates, and hourly wage for providing services.

Concerning "inadvertent discoveries", of skeletal remains and associated funerary objects and/or cached prayer offerings. We require immediate notification by phone so we can process and coordinate spiritual responsibilities of the Band toward ancestors.

We are planning a training August 28, 2003 for Federal, State, Public and Tribal Cultural Resources Management managers and government. The training concerns Compliance with Historic Preservation Law. We will contact you with the official notification for this training that will be held at the Indian Walk in Center. The Advisory Council on Historic Preservation will also provide a Lecture concerning the compliance at this training.

Please contact us at your earliest convenience and if you require further data please do not hesitate to contact us at the above address.

Thank You,


LEON BEAR
Band Executive



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
U.S. ARMY ENGINEER DISTRICT, SACRAMENTO
CORPS OF ENGINEERS
1325 J STREET
SACRAMENTO, CALIFORNIA 95814-2922

Regulatory Branch

June 13, 2003

Mayor Rick Miller
Fruit Heights
910 S. Mountain Road
Fruit Heights, UT 84037

RE: Participation Opportunities for Preparation of the Legacy Parkway Supplemental Environmental Impact Statement (SEIS)

Dear Mr. Mayor:

The U.S. Army Corps of Engineers (Corps) and Federal Highway Administration (FHWA) invite you to take an active role in the development of the supplemental environmental impact statement (SEIS) for the Legacy Parkway project.

Community Planning and Information Committee (CPIC)

At the Legacy Parkway public scoping meetings in April 2003, the citizens and communities informed us of their desire to be involved in the Legacy SEIS process. We are therefore forming a Community Planning and Information Committee (CPIC) to help us better collect and share information that is critical to our technical work on the environmental analysis.

Concurrent with the development of the Legacy SEIS, FHWA is reevaluating the draft environmental impact statement (DEIS) for the I-15 North project. Both the Legacy Parkway project and the I-15 North project are components of the "Shared Solution" for transportation issues in the north corridor. Since both projects are related and dependent upon one another, we'll be using the CPIC meetings to gather information for the I-15 North project as well. We welcome your participation in this effort, and ask that you designate two persons from your organization's Planning and Development Department or Public Works Department to participate in the CPIC and to attend the meetings. (No more than two representatives per organization please.)

CPIC Meetings

We currently anticipate three CPIC meetings this year related to the Legacy Parkway and I-15 North projects. In addition to these meetings, the Legacy Parkway team will be holding more meetings once development of the Legacy SEIS is initiated, and the I-15 North team will be holding more meetings as their process progresses.

The first CPIC meeting is scheduled for Thursday, July 10, 2003, from 2:00 to 4:00 p.m., at the Bountiful City Hall, 790 South 100 East, Bountiful, Utah. The first meeting will provide a status update on the I-15 North reevaluation and an opportunity to address Legacy Parkway topics,

including the proposed trail, the narrower right-of-way, and the D&RG Regional Alignment. The following issues will be covered:

- How would a roadway alignment within the D&RG corridor impact your community?
- Where would you like to see a trail in your community, if a trail is not proposed adjacent to the Legacy Parkway?

The second CPIC meeting is proposed for late July or early August. The meeting will address the findings of the I-15 North reevaluation and sequencing and integration of the Legacy Parkway project.

Your Response

We request your response to our invitation by Thursday, June 26, 2003. You may respond by calling or emailing Kimberly Stevens at 801-951-1026 ext. 317 or kstevens@jsanet.com. If you have any questions about the CPIC, please call Nancy Kang at the Corps (801-295-8380 ext. 14) or Greg Punske at FHWA (801-963-0078 ext. 237).

Sincerely,

Nancy Kang
Chief, Utah Regulatory Office
U.S. Army Corps of Engineers

cc: Greg Punske, Project Development Engineer, FHWA
Andrew Gemperline, UDOT

enclosure

Local Government Recipient List

Commissioner Dannie R. McConkie
Davis County
Davis County Memorial Courthouse
P.O. Box 618
Farmington, UT 84025

Mayor Carl Martin
West Bountiful City
550 North 800 West
West Bountiful, UT 84087

Mayor Joe Johnson
Bountiful City
P.O. Box 369
Bountiful, UT 84010-0369

Mayor Mike Deamer
Centerville City
3500 South Main, Suite 206
Salt Lake City, UT 84115

Mayor Kay Briggs
North Salt Lake City
P.O. Box 208
North Salt Lake, UT 84054

Mayor Jerry Larrabee
Woods Cross City
466 North 900 West
Kaysville, UT 84037

Mayor David Connors
Farmington City
P.O. Box 160
Farmington, UT 84025-0160

Mayor Nancy Workman
Salt Lake County
2001 S. State, Suite N2100
Salt Lake City, UT 84190

Mayor Rocky Anderson
Salt Lake City Corporation
451 S. State
Salt Lake City, UT 84111

Mayor Brian Cook
Kaysville City
23 E. Center
Kaysville, UT 84037

Mayor Rick Miller
Fruit Heights
910 S. Mountain Road
Fruit Heights, UT 84037



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
U.S. ARMY ENGINEER DISTRICT, SACRAMENTO
CORPS OF ENGINEERS
1325 J STREET
SACRAMENTO, CALIFORNIA 95814-2922

Regulatory Branch

June 13, 2003

Mick Crandall
UTA
221 West 2100 South
Salt Lake City, UT 84115

RE: Participation Opportunities for Preparation of the Legacy Parkway Supplemental
Environmental Impact Statement (SEIS)

Dear Mr. Crandall:

The U.S. Army Corps of Engineers (Corps) and Federal Highway Administration (FHWA) invite you to take an active role in the development of the supplemental environmental impact statement (SEIS) for the Legacy Parkway project.

Community Planning and Information Committee (CPIC)

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Sincerely,

Nancy Kang
Chief, Utah Regulatory Office
U.S. Army Corps of Engineers

cc: Greg Punske, Project Development Engineer, FHWA
Andrew Gemperline, UDOT

enclosure

Recipient List

Chuck Chappell
Wasatch Front Regional Council
295 N. Jimmy Doolittle Road
Salt Lake City, UT 84116

Mick Crandall
UTA
221 West 2100 South
Salt Lake City, UT 84115

Stephen Holbrook
Executive Director
Envision Utah
254 S. 600 E.
Salt Lake City, UT 84102

David Schaller
8P-R
US EPA, Region 8
999 18th Street, Suite 300
Denver, CO 80202-2466

Roger Borgenicht
Chair, Future Moves Coalition for
Utahns for Better Transportation
218 E. 500 S.
Salt Lake City, UT 84111

Nina Dougherty
Sierra Club
Utah Chapter Office
2120 S. 1300 E.
Suite 204
Salt Lake City, UT 84106-3785



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
U.S. ARMY ENGINEER DISTRICT, SACRAMENTO
CORPS OF ENGINEERS
1325 J STREET
SACRAMENTO, CALIFORNIA 95814-2922
October 2, 2003

RECEIVED OCT 06 2003

Regulatory Branch (200350493)

Nancy Keate
Utah Department of Natural Resources
Division of Wildlife
1594 West North Temple, Suite 2110
P.O. Box 146301
Salt Lake City, Utah 84114-6301

Dear Dr. Keate:

The Corps of Engineers and the Federal Highway Administration are developing a Supplemental Environmental Impact Statement (SEIS) to re-evaluate the environmental effects of the Legacy Parkway Project proposed by Utah Department of Transportation. As you are aware, the project was subject to litigation and a court decision. This SEIS will be used to address limited deficiencies identified by the Court and, where needed, will update, when needed, portions of the original Final EIS (FEIS) dated June 2000.

We are currently reviewing our assessment of the project's impacts to wetlands made in the FEIS. In accordance with Nation Environmental Policy Act regulations (40 CFR 1502.9(c)), we are required to supplement our original environmental document if we determine (1) there were substantial changes in the proposed action that are relevant to environmental concerns; or, (2) there are significant new circumstances or information relevant to the environmental concerns and bearing on the proposed action or its impacts.

Although the Court upheld our reliance on the functional analysis methodology used in the original FEIS, we still must consider whether there is significant new information to warrant a supplement. As you are recognized as the State's leading wetland scientist and technical expert on the hydrogeomorphic functional assessment (HGM) methodology, we would like your assessment on whether recent improvements to the Great Salt Lake Ecosystem Slope Wetlands HGM model would constitute "significant new circumstances or information."

Under separate cover we have sent a copy of the original FEIS sections related to wetlands, including the technical appendix of the original HGM analysis for your review. While the decision to revise the wetland section is under the authority of the Corps of Engineers, we would appreciate your expert input.

Thank you for your cooperation. If you have any questions, please contact me at our Utah Regulatory Office, 533 West 2600 South, Suite 150, Bountiful, Utah 84010, or email Nancy.Kang@usace.army.mil, or telephone 801-295-8380, extension 14.

Sincerely,

ORIGINAL SIGNED

Nancy Kang
Chief, Utah Regulatory Office

Copy furnished:

- ✓ Andrew Gemperline, P.E., Utah Department of Transportation, 360 North 700 West, Suite F
2nd Floor, North Salt Lake, Utah 84054
- Greg Punske, P.E., Federal Highway Administration, 2520 West 4700 South, Suite 9A, Salt
Lake City, Utah 84118-1847

November 18, 2003

Field Supervisor
United States Department of the Interior
Fish And Wildlife Service
2369 West Orton Circle
West Valley City, Utah 84119

RE: Environmental Re-Evaluation of the Legacy Parkway Final Environmental Impact Statement

Dear Field Supervisor:

The proposed Legacy Parkway would be a four-lane, limited-access, divided highway extending approximately 22.5 kilometers (14 miles) from Interstate 215 at 2100 North in Salt Lake City northward to I-15 and U.S. 89, near Farmington, Utah (see attached project location figures). The primary purpose of the Legacy Parkway project is to provide a portion of the transportation facilities needed in the North Corridor to accommodate the safe and efficient movement of people and goods projected for the year 2020.

A Final Environmental Impact Statement (FEIS) for the Legacy Parkway was released in June 2000, however, The United States Court of Appeals, 10th Circuit remanded the FEIS in September 2002 for further consideration. Under direction of the Federal Highway Administration and U.S. Army Corps of Engineers, an Environmental Re-evaluation of the Legacy Parkway Final Environmental Impact Statement (FEIS) is being prepared to support drafting of the Legacy Parkway Supplemental Environmental Impact Statement (SEIS).

Section 4.15 of the FEIS presented the following as federally listed Threatened or Endangered species potentially affected:

Species		Status	Known or Potential Effect
Common Name	Scientific Name		
Ute ladies' tresses	<i>Spiranthes diluvialis</i>	Threatened	No effect; not located in study area
Bald Eagle	<i>Haliaeetus leucocephalus</i>	Threatened	Likely to be affected
Mountain Plover	<i>Charadrius montanus</i>	Proposed Threatened	Not likely to be affected because distribution is outside study area

A Final Formal Biological Opinion for the Legacy Parkway project was received from the USFWS, dated February 11, 1999, wherein the Service concurred with a biological assessment that the proposed project may affect and is likely to adversely affect the bald eagle and peregrine falcon (*Falco peregrinus*). The Biological Opinion also states that the Legacy Parkway is not likely to jeopardize the continued existence of the bald eagle and that no critical habitat has been designated for the bald eagle in Utah, so none would be affected.

A letter from the USFWS dated September 17, 1999, acknowledged the removal of the peregrine falcon from the federal list of endangered and threatened wildlife, and stated that the terms and conditions of its former Biological Opinion are no longer considered nondiscretionary with respect to the peregrine falcon. Nevertheless, the USFWS still recommended implementing all strategies outlined in the Biological Opinion to prevent any violations under the Migratory Bird Treaty Act.

Please let us know if the USFWS still concurs with the determination outlined in the Biological Opinion and whether information provided from the FEIS remains current for the subject proposed project.

Sincerely,

HDR, Inc.

Mike Perkins
Biologist
Legacy Parkway Team
360 North 700 West, Suite F
North Salt Lake, UT 84054

cc: project files



United States Department of the Interior
FISH AND WILDLIFE SERVICE

UTAH FIELD OFFICE
2369 WEST ORTON CIRCLE, SUITE 50
WEST VALLEY CITY, UTAH 84119

In Reply Refer To

FWS/R6

ES/UT

04-0221

December 3, 2003

Mike Perkins
Biologist
Legacy Parkway Team
360 North 700 West, Suite F
North Salt Lake, UT 84054

Dear Mr. Perkins:

The U.S. Fish and Wildlife Service (Service) has reviewed your letter of November 18, 2003 requesting concurrence outlined in the February 11, 1999 Biological Opinion (BO) for the Legacy Parkway Final Environmental Impact Statement. The Service maintains that the BO is still in effect. However, your document lists the mountain plover (*Charadrius montanus*) as Proposed Threatened. At this time, the mountain plover is no longer proposed for listing and can be removed from the species list for your project area.

We appreciate the opportunity to provide these comments. If you need further assistance, please contact Chris Witt, Ecologist, at the letterhead address or (801) 975-3330 ext. 133.

Sincerely,

For

Henry R. Maddux
Utah Field Supervisor

cc: UDWR - SLC
✓ FHWA - Attn: Greg Punske
COE - Attn: Nancy Kang

Weber County to Salt Lake City Commuter Rail Project

Partnering Charter

July 15, 2004

Mission:

We agree to work together as a team to complete the design and construction of the Weber County to Salt Lake City Commuter Rail Project in a way that meets the transit, highway and freight railroad needs in a safe, efficient and cost-effective manner.

The success of our efforts on behalf of the Commuter Rail project will be measured by the public in their acceptance and use of commuter rail and by the stakeholders, including neighborhoods and communities, as the commuter rail operates as part of an integrated and complementary transportation system that provides for the safe and efficient movement of people, goods and services.

Objectives:

Safety: We agree to design, construct, and operate a project that will provide safe conditions for transit and highway system patrons, construction workers, pedestrians, freight railroad employees, highway construction and maintenance crews, and the people living and working adjacent to the corridor.

Teamwork: We agree to work together to achieve our mutually agreeable and beneficial goals in a spirit of cooperation, positive reinforcement, trust, respect and accountability and to work together in making decisions in a timely manner.

Cost-Effectiveness: We agree to maintain a strong focus on finding and implementing the most cost-effective solutions to the design and construction of the project and performing the work within the agreed budgets. All team members will continue to look for value engineering opportunities early on without compromising the integrity of the railroad, highway and transit systems.

Quality: We agree to design and construct the project in accordance with recognized standards which meet the long-term needs for transit users, communities, and adjacent railroad and highway systems, offers value for the investment, is compatible with the environment and provides a safe, reliable, clean, quiet, efficient and comfortable riding experience.

Schedule: We agree to make the on-time completion of the project a high priority by developing and adhering to a mutually agreeable schedule, timely resolving problems, and utilizing resources appropriately.

Communication: We agree to establish and maintain clearly defined channels of communication between the stakeholders and the public, and communicate in an open and positive manner.

Construction Impacts: We agree to collaborate as a team in minimizing construction impacts to the stakeholders and their customers.

Issue Resolution: We agree to seek early identification and timely resolution of differences in an atmosphere of openness, accessibility, fairness, understanding, mutual agreement, listening, mutual respect and attention to details.

Environmental Awareness: We agree to pursue the design, construction and operation of this system with conformance to the commitments within the environmental document and to existing laws, regulations and community concerns. Special attention will be given to communicating with the permitting/regulatory agencies.



Andrew Superline

Don

Walter H. H. H.

Randy H. H. H.
Thomas J. Ogee
Jerry H. H. H.

Tommy K. Love

Al Farnow

Carl H. H. H.

Kevin J. Farnow

Michael J. H. H.

Ala. Bach

Dave, Owell

W. J. H. H. H.

Michael H. H. H.

Mr. Christensen

Wm. J. H. H. H.

W. J. H. H. H.
H. H. H. H. H.

Al. H. H. H.

Kevin J. H. H. H.

Randy H. H. H.

Howard J. H. H. H.

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RECEIVED SEP 27 2004

BOUNTIFUL

City of Beautiful Homes and Gardens

JOE L. JOHNSON
MAYOR

CITY COUNCIL
BARBARA HOLT
R. FRED MOSS
JOHN S. PITT
J. GORDON THOMAS
TOM TOLMAN

CITY MANAGER
TOM HARDY

September 23, 2004

John Thomas, P.E.
Legacy Parkway Project Manager
360 N. 700 West Suite F
North Salt Lake, UT 84054

RE: Bountiful Recreation Pond
South of Bountiful Sanitary Landfill

Dear Mr. Thomas

By letter of December 11, 1997 and a follow-up letter of September 2, 1999, we provided HDR Engineering, then the Utah Department of Transportation's (UDOT's) contractor for the Legacy Parkway Environmental Impact Statement, with information concerning the Bountiful Recreation Pond (the "Pond") and our views on possible impacts of the planned Legacy Parkway on this property. We asked that "impacts of the proposed highway should be kept as minimal as possible" and presented our views on several specific items.

In the years since those letters, we have been pleased to maintain an open dialogue with UDOT and the federal agencies working on the Legacy Parkway. We believe that the Legacy Parkway has been designed and planned to have no impacts to the Pond. Bountiful fully supports prompt development of the Legacy Parkway at the location known as the Preferred Alternative. To assist in the ongoing review of this project, Bountiful City offers additional information concerning the pond property.

The property upon which the Pond is located was originally acquired by Bountiful City with the intent of using the property in landfill operations, specifically as an area to mine clay cover soil for use at the landfill and/or possible landfill expansion or equipment and materials storage. In 1991 Bountiful received a 404 permit from the U.S. Army Corps of Engineers which allowed us to excavate over 650,000 cubic yards of clay soil from the property for use in our landfill operations. As part of this construction project, Barton/Stone creek was concrete lined and diverted into the excavation. This is how and why the Pond was created. At that point people began using the area for recreational purposes such as fishing and bird watching. These activities were not encouraged by the City and the property was not managed as a recreational facility by the City.

In December 2001 Bountiful City applied for and obtained a grant to improve and construct some recreational facilities at the Pond location. We previously submitted to you a copy of the grant agreement and a site plan which shows the improvements at the pond. The site plan clearly shows the areas which the City determined would be the most appropriate for recreational development

Mark W. Franc P.E.

Bountiful City Engineering Department

790 South 100 East • P.O. Box 369 • Bountiful, Utah 84011-0369 • (801) 298-6125 • FAX (801) 298-6033 • mfranc@bountifulutah.gov

and areas which would be most appropriate for potential other uses (the undeveloped areas). As part of the grant agreement Bountiful City agreed to maintain the recreational facilities for at least the next 30 years which we intend to do.

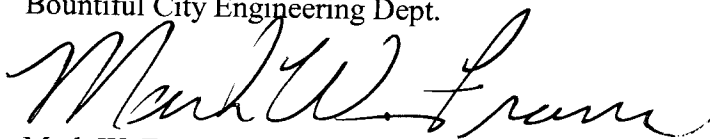
In addition to maintaining the designated recreational facilities at the property, the City intends to use other parts of the property for other municipal purposes as needed. These may include equipment and/or materials storage, staging, or as a source for additional clay soil. This multiple use management is necessary because Bountiful City cannot predict whether parts of the pond property may be needed for these or other municipal purposes.

Under current and future planned management, no recreational improvements or activities are existing or planned in the southeast corner of the Pond property. This area is unused acreage within the property boundary that Bountiful has long decided will be part of the Legacy Parkway Preferred Alternative alignment. The City approached the design of the recreational facilities and the ongoing management of the facilities with full knowledge and intent that this part of the property should be used for the Legacy Parkway and as future access to the recreational facilities.

It is our understanding that the current design for the Legacy Parkway does not impact any portion of the Pond and/or any recreational features associated with the Pond. We feel that our recreational facility and our ability to manage it as such will not be negatively impacted by construction of the Legacy Parkway as currently designed at the location known as the Preferred Alternative. In fact, we feel that the Parkway and the included frontage road adjacent to the Pond property will improve and create planned access to recreational areas of the property that currently have limited access.

We have taken steps in obtaining and administering the funds from the grant to carefully consider how the property can best be used under a multiple use management system. We understand that, based on our prior letters, the federal agencies considered the entire Pond property to be a significant recreational resource. As owners and managers of the property, we believe that conclusion is not correct. We would be happy to provide any additional information that you may find useful.

Sincerely,
Bountiful City Engineering Dept.

A handwritten signature in black ink, appearing to read "Mark W. Franc". The signature is fluid and cursive, with the first name "Mark" being the most prominent.

Mark W. Franc, P.E.
Asst. City Engineer

DETERMINATION OF ELIGIBILITY
AND
FINDING OF EFFECT

for

PROJECT NO. SP-0067(1)0: LEGACY PARKWAY
(FORMER LEGACY WEST DAVIS HIGHWAY)
SALT LAKE AND DAVIS COUNTIES, UTAH

Prepared by the

FEDERAL HIGHWAY ADMINISTRATION, UTAH DIVISION

and the

UTAH DEPARTMENT OF TRANSPORTATION

Submitted to the

UTAH STATE HISTORIC PRESERVATION OFFICE

Wilson Martin, State Historic Preservation Officer

November 3, 2004